

REMARKS

This communication is in response to the Office Action mailed December 4, 2004.

Before addressing the issues raised in the Office Action, applicant first would like to bring to the attention of the Office that the priority claim was withdrawn on March 1, 2005 as shown in the notice submitted herewith.

The Office Action first reports that some references submitted in the Information Disclosure Statement submitted January 17, 2006 were not considered. With this Amendment, applicant submits an Information Disclosure Statement for a reference where date of issuance and patentee are now provided.

The Office Action next objects to a typographical error in claim 8. With this Amendment, claim 8 has been cancelled.

The Office Action next reports that claims 1-2 and 7-15 as being unpatentable over Olson (US Pat. 6,032,818) in view of Aoyama (GB 2,117,736), while claims 3-6 were rejected as being unpatentable over Olson, Aoyama and Vallot (US Pat. 5,988,422).

With this Amendment, claim 1 as been amended to include the features previously recited in claim 8. Specifically, amended claim 1 now includes the feature of a fold line which extends underneath the first opening to form a channel between the first and second sheet past the first opening. It is submitted that this feature in combination with the other features of claim 1 is not taught, suggested or rendered obvious by the art of record.

The following comments with respect to amended claim 1 are made.

Novelty

It is submitted that amended claim 1 is novel with respect to Olson, because the fold lines extend essentially in the height direction of the container such as defined in amended claim 1. In contrast, the fold line (40) as shown in Fig. 1 according to Olson extends in a horizontal direction of the container.

Amended claim 1 is also novel with respect to the container according to

Aoyama, because Aoyama does not disclose a foldable bag having a second opening.

Vallot discloses a flexible sachet, but the sachet is not combined with a container such as defined in new claim 1.

Therefore, it is concluded that new claim 1 is novel with respect to each of the prior art documents as cited by the examiner.

### Obviousness

An advantageous feature of the present invention is that the bag can be emptied in an efficient manner. This is achieved by providing a combination of a container and a bag according to amended claim 1. Due to the features of the combination, the bag can be filled and emptied without the necessity of changing the position or orientation of the bag, such as keeping it upside down for emptying, for example. Thus, the combination is also suitable for large volumes. Advantages of the channel now recited in claim 1 are discussed in the marked up version of the specification submitted with the Preliminary Amendment at page 15, lines 28 – 31 for filling and on page 16, lines 3 – 8 for emptying the bag.

Aoyama discloses a combination of a container and a bag, which has two fold lines. However, the bag has only one opening, which must be used for both filling and emptying. This combination of container and bag can only be used for small volumes since the container has to be turned upside down in order to empty the bag. Aoyama does not teach any features of the combination which enable to fill and empty the bag in the container when the combination remains on the same place, which might be the case when the bag has a large volume, for example. Furthermore, the embodiment of Fig. 11, for example, shows that the problem of efficient emptying is not recognized by Aoyama, because the opening is not located in front of a fold line.

The bag according to Olson is provided with a separate filling and emptying opening 5, 6. Olson discloses the filling of the bag via opening 6 which is illustrated in Fig. 9. It also discloses that the bag can be emptied via opening 5 (col. 5, line 58 – 60). However, Olson does not disclose any feature of the container 11 and the bag 1 to avoid the following phenomenon which impedes efficient emptying. During emptying a filled bag such as shown in Fig. 9e via opening 5 the bag will collapse. If no measures are taken, at a certain moment during emptying, the bag may have a shape such as shown in Fig. 9c and there may still be material in a portion of the bag at the right hand

side of the opening 6. This portion will hang down due to the material weight therein while the wall portions of the bag indicated by 28 in Fig. 9a which are facing one to another may contact and be adhered to each other (the shape of the bag in this condition is also shown in Fig. 5b of the application as filed, but in that case illustrating the filling process). As a consequence, the material contained in the portion at the right hand side of the opening 6 is trapped. The trapped material cannot be removed by suction from the opening 5 since this will result in strong adhesion of the bag walls to each other rather than suction of the trapped material. This typical phenomenon is avoided by the combination according to the invention because of the fold lines which extend in height direction and the channel past the first opening according to claim 1, which further enables to efficiently empty such a hanging portion of the bag. Olson does not teach or suggest any measures for emptying the bag efficiently under the condition as described above.

Vallot has a sachet in some respects similar to that of the bag according to the invention. However, the skilled person does not learn from Vallot how the sachet should be positioned in a container so as to efficiently fill or empty the bag. Furthermore, when a filled sachet such as shown in Fig. 1 of Vallot is emptied by opening the bung 4, the bag will collapse, because it is not held upwards by an enclosing container. This results in a poor emptying efficiency as liquid material will be trapped in certain parts of the bag which phenomenon is described above. Furthermore, the row of different openings 10-13 shown in Fig. 1 of Vallot is oriented perpendicularly to the fold line. If it was recognized by Vallot that it is important to have a fold line underneath each opening, the row of openings would have been oriented in alignment with the fold line so as to allow a short distance between the fold lines, such as indicated by reference numeral 30 in Fig. 4 of Vallot.

Claim 13 has been amended to include the combination of claim 1 and for the reasons discussed above, Applicant submits amended claim 13 is allowable.

Claims 2-7 and 9-13 depend from claim 1, while claims 15-16 depend from independent claim 14. It is respectfully believed that each of these claims is separately patentable when the features recited by each of these claims ia combined with the features recited in the independent from which they depend, and any intervening claim(s).

The foregoing remarks are intended to assist the Office in examining the

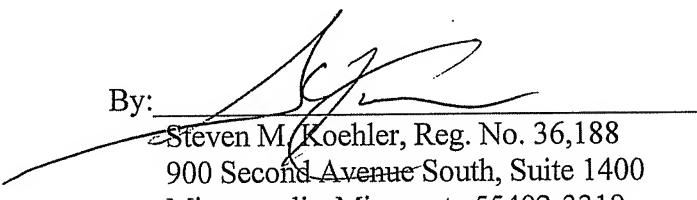
application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Steven M. Koehler, Reg. No. 36,188  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222  
Fax: (612) 334-3312

SMK:dkm